

PSS:SPN/LHE
F. #2010R02483

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JAN 31 2014 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X

UNITED STATES OF AMERICA

- against -

ANNA TSIRLINA,
ALEKSANDR SHUSTERMANN,
also known as
“Alex Shusterman,”
ANDREI KURAKIN,
also known as
“Andrei Kourakine” and
“Andrey Kurakin,” and
STEVEN CHER,
also known as
“Vladislav Cherednichenko,”

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 13-CR-305 (S-1) (RJD)
(T. 18, U.S.C., §§ 371, 982(a)(6)(A),
1546(a), 2 and 3551 et seq.; T. 21, U.S.C.,
§ 853(p))

Defendants.

-----X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

The H-1B Visa Program

1. The H-1B Visa program allowed United States employers to temporarily employ foreign workers in specialty occupations.
2. To obtain an H-1B visa for a foreign worker, United States employers had to submit a Petition for a Non-Immigrant Worker (“Form I-129”) and supporting

documents to the Department of Homeland Security, United States Citizenship and Immigration Services (“USCIS”), and a Labor Condition Application, ETA Form 9035 (“Form ETA-9035/9035E”) to the Department of Labor, Employment and Training Administration (“DOL-ETA”).

I-140 Immigrant Worker Petitions

3. United States employers could sponsor foreign nationals to work in the United States on a permanent basis by, among other steps, filing a Form I-140 with USCIS, and a Foreign Labor Certification, ETA Form 9089 – Application for Permanent Employment Certification (“Form ETA-9089”), with DOL-ETA and USCIS.

The Defendants

4. The defendant ANNA TSIRLINA was an attorney who, at various times, operated law offices at 7205 20th Avenue and 1931 86th Street, in Brooklyn, New York (collectively, the “law offices”). The defendant ALEKSANDR SHUSTERMANN, also known as “Alex Shusterman,” worked on the premises of the law offices. The defendant ANDREI KURAKIN, also known as “Andrei Kourakine” and “Andrey Kurakin,” referred foreign national clients to the law offices (the “clients”). The defendant STEVEN CHER, also known as “Vladislav Cherednichenko,” worked with TSIRLINA and SHUSTERMANN on the premises of the law offices from approximately 2001 to 2008 and maintained contact with the law offices thereafter.

The Fraudulent Scheme

5. In or about and between January 2005 and September 2012, the defendants ANNA TSIRLINA, ALEKSANDR SHUSTERMANN, also known as “Alex

Shusterman," ANDREI KURAKIN, also known as "Andrei Kourakine" and "Andrey Kurakin," and STEVEN CHER, also known as "Vladislav Cherednichenko," engaged in a scheme to solicit clients and charge them fees to fraudulently obtain H-1B visas and other employment-based visas by preparing and submitting false documents to the USCIS and DOL-ETA.

6. It was a part of the scheme that, in exchange for fees, the defendants ANNA TSIRLINA, ALEKSANDR SHUSTERMAN, also known as "Alex Shusterman," ANDREI KURAKIN, also known as "Andrei Kourakine" and "Andrey Kurakin," and STEVEN CHER, also known as "Vladislav Cherednichenko," prepared and submitted, and aided and abetted the preparation and submission of, Forms I-129, Forms I-140, Forms ETA-9035/9035E, Forms ETA-9089 and supporting documents that they knew falsely represented that certain United States employers were seeking to hire the clients to fill specified specialty occupations, and in several instances falsely represented the dates the clients entered the United States.

COUNT ONE
(Visa Fraud Conspiracy)

7. The allegations contained in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

8. In or about and between January 2005 and September 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANNA TSIRLINA, ALEKSANDR SHUSTERMAN, also known as "Alex Shusterman," ANDREI KURAKIN, also known as "Andrei Kourakine" and "Andrey

Kurakin," and STEVEN CHER, also known as "Vladislav Cherednichenko," together with others, did knowingly and willfully conspire to subscribe as true, under penalty of perjury under Title 28, United States Code, Section 1746, one or more false statements with respect to material facts in applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, to wit: Forms I-129, Forms I-140, Forms ETA-9035/9035E, Forms ETA-9089, and supporting documents, and knowingly present such applications, affidavits and other documents which contained such false statements and which failed to contain any reasonable basis in law or fact, contrary to Title 18, United States Code, Section 1546(a).

9. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants ANNA TSIRLINA, ALEKSANDR SHUSTERMAN, also known as "Alex Shusterman," ANDREI KURAKIN, also known as "Andrei Kourakine" and "Andrey Kurakin," and STEVEN CHER, also known as "Vladislav Cherednichenko," did commit and cause to be committed, among others, the following:

OVERT ACTS

a. In or about 2005, KURAKIN informed Client #1, an individual whose identity is known to the Grand Jury, that a company named Unisol Group, Inc. wanted to employ Client #1.

- b. In or about 2005, KURAKIN charged Client #1 a fee.
- c. In or about April 2006 SHUSTERMAN stated, under penalty of perjury, that Unisol Group, Inc., was seeking to hire a "Bilingual Specialist."
- d. In or about May 2006, SHUSTERMAN signed a Form I-129 on behalf of Unisol Group, Inc.
- e. In or about August 2009, KURAKIN met with Client #1 in Brooklyn, New York.
- f. In or about August 2009, KURAKIN received payment from Client #1.
- g. In or about and between September and October 2009, TSIRLINA signed a Form I-129 on behalf of Unisol Group, Inc.
- h. In or about April 2010, KURAKIN met with Client #2, an individual whose identity is known to the Grand Jury, in Brooklyn, New York.
- i. In or about April 2010, KURAKIN received payment from Client #2.
- j. In or about May 2010, TSIRLINA signed a Form I-129 on behalf of Unisol International, Inc.
- k. In or about and between October and November 2010, TSIRLINA and SHUSTERMAN met with Client #2 in Brooklyn, New York.
- l. In or about February 2009, CHER signed an ETA Form 9089 stating that he was the Senior Personnel Officer with Unisol Group, Inc., in connection with an

application filed on behalf of Client #3, an individual whose identity is known to the Grand Jury.

m. In or about August 2009, CHER signed an ETA Form 9089 stating that he was the Senior Personnel Officer with Unisol Group, Inc., in connection with an application filed on behalf of Client #4, an individual whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO
(Visa Fraud)

10. The allegations contained in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

11. In or about February 2009, within the Eastern District of New York, the defendants ANNA TSIRLINA, ALEKSANDR SHUSTERMANN, also known as "Alex Shusterman," and STEVEN CHER, also known as "Vladislav Cherednichenko," together with others, did knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, false statements with respect to material facts in applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, to wit: a Form ETA 9089 and other documents filed on or about February 24, 2009 in support of a Form I-140 petition, and knowingly presented such applications, affidavits and other documents, which contained such false statements and which failed to contain any reasonable basis in law or fact.

(Title 18, United States Code, Sections 1546(a), 2 and 3551 et seq.)

COUNT THREE
(Visa Fraud)

12. The allegations contained in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

13. In or about July 2009, within the Eastern District of New York, the defendants ANNA TSIRLINA, ALEKSANDR SHUSTERMANN, also known as "Alex Shusterman," and STEVEN CHER, also known as "Vladislav Cherednichenko," together with others, did knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, false statements with respect to material facts in applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, to wit: a Form I-140, Form ETA 9089, and supporting documents filed on or about July 24, 2009, and knowingly presented such applications, affidavits and other documents, which contained such false statements and which failed to contain any reasonable basis in law or fact.

(Title 18, United States Code, Sections 1546(a), 2 and 3551 et seq.)

COUNT FOUR
(Visa Fraud)

14. The allegations contained in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

15. In or about September 2009, within the Eastern District of New York, the defendants ANNA TSIRLINA, ALEKSANDR SHUSTERMANN, also known as "Alex Shusterman," and ANDREI KURAKIN, also known as "Andrei Kourakine" and "Andrey Kurakin," together with others, did knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, false statements with respect to material facts in

applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, to wit: a Form I-129 and supporting documents filed on or about September 9, 2009, and knowingly presented such applications, affidavits and other documents, which contained such false statements and which failed to contain any reasonable basis in law or fact.

(Title 18, United States Code, Sections 1546(a), 2 and 3551 et seq.)

COUNT FIVE
(Visa Fraud)

16. The allegations contained in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

17. In or about May 2010, within the Eastern District of New York, the defendants ANNA TSIRLINA, ALEKSANDR SHUSTERMANN, also known as "Alex Shusterman," and ANDREI KURAKIN, also known as "Andrei Kourakine" and "Andrey Kurakin," together with others, did knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, false statements with respect to material facts in applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, to wit: a Form I-129 and supporting documents filed on or about May 5, 2010, and knowingly presented such applications, affidavits and other documents, which contained such false statements and which failed to contain any reasonable basis in law or fact.

(Title 18, United States Code, Sections 1546(a), 2 and 3551 et seq.)

COUNTS SIX THROUGH ELEVEN
(Visa Fraud)

18. The allegations in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

19. On or about the dates set forth below, within the Eastern District of New York, the defendant ANNA TSIRLINA, together with others, did knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, false statements with respect to material facts in applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, to wit: the forms identified below, which documents sought immigration benefits for Clients #5 through #10, individuals whose identities are known to the Grand Jury, and knowingly presented such applications, affidavits and other documents, which contained such false statements and which failed to contain any reasonable basis in law or fact:

<u>COUNT</u>	<u>APPLICANT</u>	<u>DOCUMENT</u>	<u>SUBMISSION DATE</u>
SIX	CLIENT #5	Form I-129	April 16, 2009
SEVEN	CLIENT #6	Form I-129	April 27, 2009
EIGHT	CLIENT #7	Form I-129	August 13, 2009
NINE	CLIENT #8	Form I-129	March 29, 2010
TEN	CLIENT #9	Form I-129	April 24, 2009
ELEVEN	CLIENT #10	Form I-129	September 8, 2008

(Title 18, United States Code, Sections 1546(a), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

20. The United States hereby gives notice to the defendants charged in Counts One through Eleven that, upon their conviction of any such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(6)(A), which requires any person convicted of such offenses to forfeit: (a) any conveyance, including any vessel, vehicle or aircraft used in the commission of the offenses; (b) any property, real or personal, that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the offenses; and (c) any property, real or personal, that is used to facilitate, or is intended to be used to facilitate, the commission of the offenses.

21. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 982(a)(6)(A); Title 21, United States Code, Section 853(p))

A TRUE BILL

FOREPERSON

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: _____
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

